

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 26, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

JARED MARCUM,

Defendant/Petitioner.

NO. 2:04-cr-6045-EFS
NO. 4:15-cr-6031-EFS

**ORDER GRANTING THE UNITED
STATES' MOTION TO EXTEND
TIME TO FILE RESPONSE, AND
STRIKING PETITION IN INITIAL
CASE**

In Mr. Marcum's more recent criminal case, the United States asks for an extension to respond to Defendant Jared Marcum's motion to reduce sentence under 18 U.S.C. § 3582(c)(1)(A) and construed 28 U.S.C. § 2255 habeas petition.¹ Because Mr. Marcum's supplemental arguments raise complex factual and legal issues, the United States asks that its response deadline be extended from June 30, 2023, to August 30, 2023. Mr. Marcum has not yet responded to this extension request.

¹ No. 4:15-cr-6031, ECF No. 257.

1 Given the nature of the legal and factual issues, the Court finds good cause
2 to permit the United States additional time to respond to Mr. Marcum's
3 supplemented habeas petition and motion.

4 In addition, the Court strikes the habeas petition in Mr. Marcum's initial
5 criminal case, given that in the recent supplement Mr. Marcum stated:

6 Mr. Marcum did file a petition/motion for relief under 28 U.S.C. 2255
7 in case No. 2:04-CR-06045-EFS-1, however, that petition/motion will be
8 withdrawn, as Mr. Marcum has now completed his 24 month sentence
in that matter, so any reduction in, or elimination of, his sentence in
that matter is now moot.²

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. The United States' Motion to Extend Response Deadline, **No. 4:15-cr-**
11 **6031, ECF No. 257**, is **GRANTED**.

12 2. The United States shall file its response to Mr. Marcum's Motion to
13 Reduce Sentence under 3582(c)(1)(A) and Amended Construed 28 U.S.C.
14 § 2255 Habeas Petition, No. 4:15-cr-6031, ECF No. 251, by **August 30,**
15 **2023**.

16 3. Mr. Marcum's pro se habeas petition, **No. 4:15-cr-6031, ECF No. 233**, is
17 **STRICKEN**; and his amended petition, **No. 4:15-cr-6031, ECF No. 251**,
18 will be heard without oral argument on **October 6, 2023**.

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22 ² No. 4:15-cr-6031-EFS, ECF No. 251 at 9–10.

1 4. Mr. Marcum's habeas petition, **No. 2:04-cr-6045-EFS, ECF No. 271**, is
2 **STRICKEN** as withdrawn.

3 IT IS SO ORDERED. The Clerk's Office is directed to enter this order and
4 provide copies to counsel.

5 **DATED** this 26th day of June 2023.

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EDWARD F. SHEA
8 Senior United States District Judge
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